

## **NOTICE OF ELECTRONIC AVAILABILITY OF CRIMINAL CASE FILE DOCUMENTS**

The United States District Court for the District of Kansas uses Case Management/Electronic Case Files (CM/ECF), an electronic filing system. Please be informed that documents filed in criminal cases in this court on or after November 1, 2004, will be available to the public electronically on the court's Internet website via PACER. Any subscriber to PACER will be able to read, download, store and print the full content of electronically filed documents. The clerk's office will not make electronically available documents that have been sealed or otherwise restricted by court order.

You shall not include sensitive information in any document filed with the court. You must remember that any personal information not otherwise protected will be made available over the Internet via PACER. The following personal data identifiers must be partially redacted from the document whether it is filed traditionally or electronically:

- 1) Social Security numbers to the last four digits;
- 2) financial account numbers to the last four digits;
- 3) names of minor children to the initials;
- 4) dates of birth to the year; and
- 5) home addresses to the city and state.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file an unredacted document under seal or file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy of the document for the public file.

Because filings will be remotely, electronically available and may contain information implicating not only privacy but also personal security concerns, exercise caution when filing a document that contains any of the following information and consider accompanying any such filing with a motion to seal. Until the court has ruled on any motion to seal, no document that is the subject of a motion to seal, nor the motion itself or any response thereto, will be available electronically or in paper form.

- 1) any personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information;
- 5) proprietary or trade secret information;

- 6) information regarding an individual's cooperation with the government;
- 7) information regarding the victim of any criminal activity;
- 8) national security information; and
- 9) sensitive security information as described in 49 U.S.C. § 114(s).

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all documents and pleadings comply with the rules of this court requiring redaction of personal data identifiers.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review filings for compliance with this rule.